

DARYL & KATHY NIX
4645 Monticello Road
Napa, CA 94558
707-252-9564
707-252-6814 Fax

TO: Mark List

FROM: Daryl & Kathy

DATE: 9-29-06

***RE: Request for Designated Party status for
Oct. 26/27th 2006 Public Hearing
concerning Cease and Desist Order.***

*I am mailing the originals today to you... thank you
for you help in this matter!!*

Kathy Nix

September 28, 2006

**REQUEST STATUS AS A DESIGNATED PARTY FOR: October 26/27th 2006
Public Hearing concerning Cease and Desist Order for Napa Berryessa Resort
Improvement District Wastewater Treatment System Napa County**

TO: STATE OF CALIFORNIA
CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114
Attn: Mark List

FROM: DARYL & KATHY NIX
4645 Monticello Road
Napa CA 94558
707-252-9564
707-252-6814 Fax

RE: PROPERTY LOCATED IN BERRYESSA HIGHLANDS
LOT # 98 BAHIA VISTA - APN# 019-451-014-000, NAPA COUNTY, NAPA CA
OWNERS: DARYL & KATHY NIX

To Whom It May Concern:

We are writing this letter to request a status of Designated Party for the upcoming Public Hearing concerning the Cease and Desist Order proposed for Napa Berryessa Resort Improvement District Wastewater Treatment System. We are requesting this status and asking for an exception to this order under the conditions stated in 14a of the proposed Cease and Desist Order.

1. All requirements of Napa County Planning and Building Department were complete and approved prior to September 12, 2006, except for the fees to be paid which we usually do all in one day, then pick up the issued permit. The permit was ready to be issued prior to the C & D Order for at least 2 weeks. We were not in a hurry because we were not starting the project until September 18, 2006. Exhibit A attached
2. Napa County Public Works sent us a letter the day of the C & D Order stating the approval from their department and the conditions when starting.
See Exhibit B attached
3. We started the permit process July 26, 2006 – Application # B06-01258
See Exhibit C attached

Request for Exception based on 14a of the proposed Cease and Desist Order:

We are asking to be given this exception in the C & D Order because other than having the permit in hand, we had completed everything necessary to have a right to it. We were hours away from being unaffected by this order, unlike others only starting the process or planning on future projects. It is our understanding that there are only three others caught in the detrimental position that we are. This clearly qualifies for an exception based on # 14a of the C & D Order, if we had approval prior to September 12, 2006 and had just not picked up the issued permit. Under these circumstances, we are asking to be allowed to get our permit issued and be able to hook up to the water and sewer system.

Our Position in the Lake Berryessa Community:

We have been Pastors of the Community Church of Lake Berryessa for the past 7 years, as well as owners of a small family business doing development of single family homes in the Berryessa Highlands. We work both jobs because the Church is not able to give us enough to live on. We have been developing homes one at a time for the past 3 - 4 years. This has been able to sustain our family and the Church with the proceeds we make on these homes. Our development work in our business and the financial support that brings in tithes to the Church has literally kept the doors open. We depend on the income for daily provision. The Church has become a distribution center for food for the needy in the community through the Napa Food Bank monthly, as well as a weekly program developed by the Church family each Thursday. This Church has also been a source for rehabilitation from drugs and alcohol in which many lives have been transformed into becoming useful citizens.

Conditions and Effects Caused by this Cease and Desist Order:

We are a small family developer, husband, wife and son. With each project we have to get a lot and construction loan to develop each home. On this project we have a loan for \$250,000. When the Cease and Desist Order stopped us, it then gave us absolutely NO OPTIONS. We have no way to pay this loan, we are stuck with no where to turn. We cannot sell the lot and we cannot refinance. All construction loans are short term and this one is due in January 2007. The only thing the mortgage company could do is foreclose on us. We can do nothing but be financially ruined.


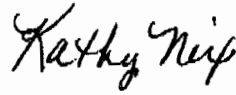
As part of our development, we put Manufactured Homes on some of the projects. Kathy is a Manufactured Home Dealer with the State of California Dept. of Housing and Community Development. She ordered a home for this lot and paid out of the construction loan \$24,105 to the wholesaler. She now owes the balance and has no way to pay for the home that is now completed and waiting at the factory for delivery to the site. Without the permit she cannot draw on the loan again. The corporate office is

meeting to decide on whether they are going to take back the home and relinquish her status with their company so that she will not be able to purchase any more home from the Karsten Company of Sacramento. This would be detrimental to our good standing with the Manufactured Home Industry which is a substantial part of our income.

This "will" financially ruin us if we are not able to proceed with our permit and this project located on Lot # 98 Bahia Vista in the Berryessa Highlands. We have done everything in good faith according to the laws of Napa County and this State in getting an approval for our permit. We feel that since we had approval on this project and had just not picked up the issued permit, we are the exception according to #14a in the Cease and Desist Order and should be given grace to proceed with our permit.

We are praying that this can be resolved quickly, as at this point our income source has stopped and we are in a drastic situation. Thank you in advance for your help in this matter.

Very Sincerely,

 
Daryl and Kathy Nix

cc. Napa County Public Works- Nate
Diane Dillion, Napa County Supervisor - District 3

Exhibit A**COUNTY of NAPA**

OFFICE OF CONSERVATION, DEVELOPMENT & PLANNING

BUILDING INSPECTION DIVISION

HILLARY GITELMAN
DirectorPATRICK LYNCH, AICP
Assistant DirectorDARRELL MAYES
Chief Building Official+
VACANT
Plans & Permits
SupervisorRANDY SCHMELING
Plans ExaminerJOHN KAYLOR
Plans ExaminerSTACIE VAZQUEZ
Plans ExaminerOLAF KLASCHIK
Plans ExaminerCHRISTINA BEYE
Permit Technician+
MAC MACCOLL
SupervisorJOHN MORROW
Building InspectorDAVID DELONG
Building InspectorRICK BLAIR
Building InspectorJOHN HAMMOND
Building InspectorCARL BAKKEN
Building InspectorGREG BAXTER
Building Inspector+
ED COLBY
Code Compliance/
Planner1195 THIRD STREET
SUITE 210+
NAPA, CALIFORNIA
94559+
TELEPHONE:
707-253-4417+
FAX:
707-253-4336+
WWW.CO.NAPA.CA.US

September 28, 2006

California Region Water Quality Control Board

Attn: Mark List

11020 Sun Center Drive #200

Rancho Cordova, CA 95670-6114

Re: B06-01258 – Nix Property at Parcel # 019-451-014-000
(Note: Parcel has not yet been assigned a street address.)

To whom it may concern:

Napa County requires that applicants submit to our department to obtain the proper permits prior to any construction on their lots. During the process of approving their plans the applicant is required to get clearance from the various departments in the County that have jurisdiction over their area.

The above owner has followed this process and was at the end of it and ready to pull their building permit when the moratorium was placed on their lot.

We ask that you please take this into consideration as you make your decision on whether to allow this property to be exempt from the moratorium or not.

Thank you.

Napa County Building Department

A handwritten signature in black ink, appearing to read "Eric Banvard".

Eric Banvard
Plans & Permits Supervisor

Exhibit B**COUNTY of NAPA**

ROBERT J. PETERSON, P.E.
Director of Public Works
County Surveyor-County Engineer
Road Commissioner

DONALD G. RIDENHOUR, P.E.
Assistant Director of Public Works

September 12, 2006

Permit #: B06-01258

APN#: 019-451-014, Lot 98 Bahia Vista Ct., Berryessa Highlands, Napa, CA
Public Works Plan Review

Kathy Nix
4645 Monticello Rd
Napa, CA 94558
Re: Conditions of Approval, Public Works

Description: New MFG Home on Permanent Foundation

Dear Ms. Nix

Upon the issuance of the above named permit by the Napa County Conservation and Building Department, the following conditions will apply.

As of September 15th, 2004 Napa County Public Works has begun reviewing building plans for conformance to National Pollutant Discharge Elimination Systems (NPDES). To fulfill the requirements of County Code the following conditions must be addressed during construction. Failure to follow the County guidelines for Stormwater Management and Discharge Control may result in work stoppage, a written citation, monetary fine or any combination thereof.

1. You must contact this office 48 hours prior to beginning any earthmoving activities related to the above named permit.
2. The property owner will be held responsible for any violation of County Stormwater Ordinance (1240).
3. The property owner or his/her designee must understand all parts of these conditions and must maintain the construction site in compliance during all phases of construction.
4. The property owner or his/her designee must inform all workers involved with the construction of these conditions.
5. Preventative stormwater pollution measures must be in place and effective prior to predicted rainfall to protect stormwater conveyance ways from any illicit discharge resulting from activities related to the above named permit.

6. Provide, and maintain a Concrete washout. All construction projects using concrete must now specify and use a washbasin for cleaning equipment and are required to maintain it during use.
7. Provide a stabilized construction exit from the site if vehicles will be leaving the property during wet weather. Action must be taken to prevent vehicles leaving the construction site from tracking soils onto any publicly maintained roadways.
8. All temporary stockpiles of soils must be covered or contained so that stormwater runoff does not produce increased erosion. The permanent placement of soils requires measures to be taken to insure soils will not be washed away (i.e. Compaction, seeding, mulching, erosion blankets) during stormwater flows.
9. The roadway and gutter areas adjacent to the construction property must remain free of soils or other erodible construction materials prior to and during stormwater flows.
10. Downspouts, drainage swales or the creation of other stormwater conveyance ways must be installed using credible best management practices in order to reduce soil erosion to the maximum extent practical.
11. No grading work on slopes exceeding 5% shall be done between October 15th, 2006 and April 1st, 2007.

Below are two websites that provide information regarding stormwater best management practices and Napa County Code 1240 online for your reference:

<http://www.swrcb.ca.gov/rwqcb1/programs/npdesstorm.html>
www.cabmphandbooks.com

<http://napacounty/code2000updates/1240.htm>

Please contact Tracy Arensberg of this Department if you have any questions regarding the implementation of any of the above conditions.

Sincerely,

Robert J. Peterson,
Director of Public Works



Jeannette Doss
Junior Engineer

Accela Automation: ShowPayDetail40 - T8108-D

Page 1 of 1

RECEIPT

NAPA COUNTY
1195 THIRD STREET
SUITE 210
Napa, CA 94559

Exhibit C**Application:** B06-01258**Application Type:** Building / Mobile Home / MFG Home Permanent Foundation / New**Address:** CA**Owner Name:** Kathy and Daryl Nix**Owner Address:** 4645 Monticello Rd, Napa, CA 94558

Receipt No.:	58398				
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments
Check	6514	\$187.00	07/26/2006 01:17:22 PM	CBEYE	

Owner Info.: Kathy and Daryl Nix
4645 Monticello Rd
Napa, CA 94558

Work Description: MH on permanent foundation w/ garage

T8108-D
Version 4.0

